

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended no claims. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-16 and 22-27 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claims 1-5, 7-16 and 22-27 under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi, et al (US 2002/0095636 A1) in view of Takagi, et al. (US 2002/0065842 A1). The Applicant respectfully traverses the rejection of these claims.

The Applicant respectfully directs the Examiner's attention to claim 1 and the emphasized portion of the claim.

1. (Previously Presented) A method for broadcasting content data from a broadcaster to a plurality of clients, the method comprising the steps of:

simultaneously transmitting the content data to the plurality of clients via an unreliable downlink-only communications pathway;

bi-directionally coupling the plurality of clients, each to a proxy server to initiate post-processing transactions, the broadcaster communicating with the proxy server to provide sufficient information to handle any of the post-processing transactions requested by any one of the plurality of clients;

determining, by the plurality of clients, a plurality of available proxy servers that may be contacted for post-processing after the content data broadcast, wherein the plurality of clients is different from the plurality of proxy servers;

randomly selecting, by each of the plurality of clients, one of the plurality of available proxy servers to contact for post-processing after the content data broadcast; and

contacting, by the plurality of clients, each of the selected proxy servers to initiate post-processing. (emphasis added)

The Applicant respectfully submits that the Tatsumi reference, whether considered individually or in combination with the Takagi reference, fails to disclose all the limitations recited in the independent claims (MPEP § 2143).

The Applicant respectfully submits that the interpretation of the cited portion of the Tatsumi reference (para. [0019]) regarding a broadcast path as downlink only, in view of the complete paragraph, is misinterpreted. The Applicant was apparently not clear in the Applicant's previous argument concerning the bi-directional path as compared to the Tatsumi reference.

The limitation beginning "bi-directionally coupling the plurality of clients,..." is noted as being disclosed by the Tatsumi reference (Fig. 1, paragraph [0019]). Figure 1 refers to a "bi-directional path (122) between the broadcaster (101) and the clients/receivers, not between the clients/receivers and proxy servers. Paragraph [0019] states in lines 10-12, that "...a receiving unit receives data...from the broadcasting path or bidirectional communication path." The applicant does not disagree with the disclosure by Tatsumi of a broadcasting path and a bi-directional path. The disagreement is found in the fact that there is no intermediate entity in Tatsumi; that is the pathways are both direct from the transmitter to the receiver. This is different from the Applicant's invention, which claims a proxy server in the path between the broadcaster and the receiver/client in the bi-directional path.

The bi-directional path in Tatsumi is disclosed as being direct between the receiving unit and the transmitter (figure 1). The connection between the receiving unit and the transmitter, as paragraph [0019] states, "...transmitting data including the errors through a bidirectional communication path capable of bi-directionally transmitting data." (lines 8-10). And, the Examiner states Tatsumi "does not explicitly disclose a plurality of available proxy servers" but indicates that the Takagi reference teaches "...[a] proxy server that is separate from the client...". There is bi-directional communication between a client and the server.

The Takagi reference is cited as teaching "a plurality of available proxy servers" on page 5 of the Detailed Action. The Applicant respectfully disagrees with the Examiner that either Takagi or Tatsumi teach "a plurality" of proxy servers. There is no indication in the Specification or in the Figures, of either reference, of a client being able to randomly select (third limitation in claim 1) or to determine a plurality of proxy servers, as in the second limitation. With only one server disclosed there is no choice or selection between proxy servers, randomly or otherwise. Furthermore, the "selection of

available proxy servers” is not possible in either Tatsumi or Takagi because in Tatsumi there is no explicit disclosure of “a plurality of available proxy servers” and in Takagi there is only one server (in each disclosed embodiment) disclosed.

Takagi discloses in the portion cited (paragraph [0166]) in the detailed action, an embodiment where “...[t]he proxy server...includes a post processing for annotation module 71, in addition to the components of the proxy server.” And though not cited, in a second embodiment (beginning at paragraph [0153]) Takagi discloses another, single proxy server 60. In both instances, the particular embodiment discloses one proxy server. There is no indication in Takagi of selecting or determining between servers. The Applicant respectfully disagrees with the interpretation of the cited portion in the Takagi reference (disclosing a plurality of proxy servers) in view of the paragraphs [0167] and [0155] (both disclose one server).

Even if Tatsumi is combined with Takagi certain limitations of claim 1 and the analogous independent claims, are not disclosed. Neither reference discloses the limitations: the plurality of clients determining a plurality of available proxy servers, each of the plurality of clients being coupled to a proxy server, nor each of the plurality of clients randomly selecting one of the plurality of available proxy servers. It is not possible for Tatsumi to accomplish these limitations in concert with Takagi as Tatsumi does not explicitly disclose “a plurality of available proxy servers” and there is no suggestion that Takagi discloses more than one proxy server in an embodiment. Therefore, with no teaching or suggestion of a plurality of proxy servers, there is no manner in which the combination of Tatsumi (no proxy server) when combined with Takagi (one proxy server) would produce the steps of determining 1) available proxy servers, 2) each client being coupled to a proxy server and 3) randomly selecting one of the available servers.

The Tatsumi and Takagi references, whether taken individually or together, do not disclose the above emphasized and discussed limitations in claim 1. This being the case, the Applicant respectfully requests the allowance of claim 1 and analogous claims 22 and 26.

Claims 2-5, 8-16, 23-25 and 27 depend from independent claims 1, 22 and 26 and recite further limitations in combination with the novel elements of the independent

claims. Therefore, the allowance of claims 2-5, 8-16, 23-25 and 27 is respectfully requested.

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi and Takagi in view of Hudson, et al (US 2003/0204613 A1). The Applicant respectfully traverses the rejection of this claim.

The Hudson reference is cited for disclosing a digital rights manager. The Hudson reference fails to disclose the limitations not disclosed by either the Tatsumi or Takagi references or the combination of these references. Claim 6 depends from claim 1 and recites further limitations in combination with the novel elements of claim 1.

Therefore, the Applicant respectfully submits that the combination of these references does not teach all the limitations in claim 6 and the allowance of claim 6 is respectfully requested.

#### **Prior Art Not Relied Upon**

On page ten (10) of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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